

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A COUNTY MONUMENT LOCATOR FUND; USING THE FUND TO PAY FOR LOCATING MONUMENTS FOR LAND SURVEYS; INCREASING THE FEE FOR RECORDING DOCUMENTS WITH THE COUNTY CLERK AND RECORDER; AMENDING SECTION 7-4-2631, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Monument locator fund authorized -- toll-free telephone number -- contract for services. (1) The board of county commissioners shall establish a monument locator fund for the purpose of assisting a public or private person or entity to locate and reference a monument or the accessories to a monument. The county clerk and recorder is responsible for expenditures from the fund and shall use the money for a toll-free telephone number and for paying a professional land surveyor or a qualified person under the supervision of a professional land surveyor to locate and reference a monument or the accessories to the monument.

(2) The county clerk and recorder shall deposit 50 cents of each fee received under 7-4-2631 into the monument locator fund.

(3) The county clerk and recorder shall establish and maintain a toll-free telephone number for use by a public or private person or entity when requesting the location and referencing of a monument or the accessories to a monument.

(4) The board of county commissioners shall enter into a contract with a professional land surveyor to provide the services required in this section.

Section 2. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. (Temporary) Fees of county clerk. (1) Except as provided in 7-4-2632, the county clerks shall charge, for the use of their respective counties:

(a) for recording and indexing each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, \$6;

(b) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, \$3; and

(ii) for each additional mining claim included in it, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;

(d) for filing of subdivision and townsite plats, \$5 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(e) for filing certificates of surveys and amendments thereto, \$5 plus 50 cents per tract or lot;

(f) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, \$2;

(g) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(h) for administering an oath with certificate and seal, no charge;

(i) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(j) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(k) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, \$3;

(l) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, \$2;

(m) for each certified copy of a birth certificate, \$5, and for each certified copy of a death certificate, \$3;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis.

7-4-2631. (Effective July 1, 2005) Fees of county clerk. (1) Except as provided in 7-4-2632 and

7-4-2637, the county clerks shall charge, for the use of their respective counties:

(a) for recording and indexing each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, ~~\$6~~ \$6.50;

(b) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, ~~\$3~~ \$3.50; and

(ii) for each additional mining claim included in it, ~~50 cents~~ \$1;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, ~~\$5~~ \$5.50;

(d) for filing of subdivision and townsite plats, ~~\$5~~ \$5.50 plus:

(i) for each lot up to and including 100, ~~50 cents~~ \$1;

(ii) for each additional lot in excess of 100, ~~25~~ 75 cents;

(e) for filing certificates of surveys and amendments thereto, ~~\$5~~ \$5.50 plus ~~50 cents~~ \$1 per tract or lot;

(f) for a copy of a record or paper:

(i) for the first page of any document, ~~50 cents~~ \$1, and ~~25~~ 75 cents for each subsequent page; and

(ii) for each certification with seal affixed, ~~\$2~~ \$2.50;

(g) for searching an index record of files of the office for each year when required in abstracting or otherwise, ~~50 cents~~ \$1;

(h) for administering an oath with certificate and seal, no charge;

(i) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(j) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(k) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, ~~\$3~~ \$3.50;

(l) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, ~~\$2~~ \$2.50;

(m) for each certified copy of a birth certificate, ~~\$5~~ \$5.50, and for each certified copy of a death certificate, ~~\$3~~ \$3.50;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis."

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 70, chapter 22, part 1, and the provisions of Title 70, chapter 22, part 1, apply to [section 1].

NEW SECTION. Section 4. Coordination instruction. If Senate Bill No. 215 is not passed and approved, then [this act] is void.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2005.

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